

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GLENN RONNIE MILLER,

Plaintiff,

v.

GENERAC POWER SYSTEMS,
INC. and DOOSAN
INFRACORE CO., LTD.,

Defendants.

CASE NO. 15-CV-13256
HON. GEORGE CARAM STEEH

ORDER GRANTING PLAINTIFF'S MOTION TO EXTEND SUMMONS

This products liability case arises out of plaintiff Glenn Miller's serious injuries sustained while he was working on a generator manufactured by defendant Generac Power Systems, Inc. ("Generac"). On November 30, 2016, the court granted plaintiff's motion to amend the Complaint to add Doosan Infracore Co., Ltd. ("defendant"), a South Korean corporation, as a defendant. On December 5, 2016, plaintiff filed its First Amended Complaint and on the same date, the summons issued. Now before the court is plaintiff's motion to extend the summons 90-days because defendant is a South Korean corporation, service must be according to the Hague Convention, and translation of the First Amended Complaint is

required before service may be completed. Plaintiff represents that it may take six months for service of process and has submitted a copy of a letter by a company that conducts service of process on defendants residing in foreign countries, including South Korea, to that effect. The 90-day time limit for service of process under Federal Rule of Civil Procedure 4(m) does not apply to foreign corporations under Rule 4(h)(2) and 4(f) and leaves the time period open. The Hague Convention provides for a time limit of six-months. See *Lexmark Int'l, Inc. v. Ink Tech. Printer Supplies, LLC*, 295 F.R.D. 259, 261 (S.D. Ohio 2013) (citing Advisory Committee Notes to Subdivision (f)(3)). Accordingly, plaintiff's motion to extend the summons (Doc. 41) is GRANTED.

IT IS FURTHER ORDERED that plaintiff must serve the summons and a copy of the First Amended Complaint on defendant Doosan Infracore Co., Ltd. on or before June 5, 2017.

IT IS SO ORDERED.

Dated: December 15, 2016

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
December 15, 2016, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk